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March 30, 2022

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**VIA ECF**

Hon. Mary Kay Vyskocil  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007

USDC SDNY  
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Re: Montefiore Medical Center et al. v. Aetna Health Inc. et ano., No. 21 Civ. 7838

Dear Judge Vyskocil:

In an order dated February 24, 2021, the Court granted the parties' fourth request to extend Plaintiffs' deadline to serve the complaint to April 1, 2022. ECF No. 14. The parties hereby request an additional 30-day extension, to May 2, 2022, for Plaintiffs' to file their complaint.

The claims at issue in this litigation involve health-care services provided to hundreds of individual patients over a 13-year period, and the parties have been analyzing a significant amount of data to assess those claims and the issues in the litigation. The parties have continued to meet and exchange the detailed claims data necessary to evaluate the claims at issue. The individual chiefly responsible for the negotiations for Montefiore recently retired, which has delayed the parties' discussions, but the parties continue to work toward a resolution. The parties believe they are making substantial progress and are cautiously optimistic that they can reach an agreement to resolve this matter, but do not expect to complete their discussions before the current April 1 pleading deadline. Both parties believe that additional discussions are worthwhile in an effort to resolve this matter without further litigation.

Accordingly, the parties seek a 30-day extension of time to continue their work toward a possible resolution, and we respectfully request that the Court "so-order" the parties' letter motion to extend Plaintiffs' deadline to serve the complaint to May 2, 2022. As noted above, this is the parties' fifth request for an extension. We appreciate the Court's consideration.

**BAKER BOTTS**<sub>LLP</sub>

Hon. Mary Kay Vyskocil

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March 30, 2022

Respectfully submitted,

BAKER BOTTS L.L.P.

/s/ Earl B. Austin

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Burke Rehab Hospital, and White Plains  
Hospital Medical Center*

**DENIED. This case was removed to this Court in September 2021 and Plaintiff's original deadline to file the Complaint was September 29, 2021. The Court will not allow this case to drag on.**

**Accordingly, Plaintiffs are directed to serve the complaint on Defendants on or before April 20, 2022. If service has not been made on or before April 20, 2022, and if Plaintiffs fail to show cause, in writing, why service has not been made, the action will be dismissed for failure to prosecute pursuant to N.Y. CPLR § 3012(b).**

Date: 4/6/2022  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge